



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 11, 2018

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Addison Thompson v. United States of America and United States Postal Service*, No. 17 Civ. 5017 (KPF)

Dear Judge Failla:

This Office represents Defendants United States of America and United States Postal Service (the “USPS”) (collectively, “Defendants”) in the above-referenced case. In accordance with the Court’s order at the conference on November 15, 2017, that Defendants provide a status report within sixty days, I write to update the Court on developments since the conference and ask that Defendants be permitted to proceed with their anticipated motion to dismiss Plaintiff’s complaint.

Plaintiff Addison Thompson, proceeding *pro se*, alleges that the Defendants violated the Visual Artists Rights Act, 17 U.S.C. § 106A, by removing and causing the destruction of photographic murals created by Plaintiff that were installed at the Peter Stuyvesant Post Office in Manhattan prior to its relocation. (Compl. at 1-3.) Plaintiff seeks an order permitting him to recreate the works at the Peter Cooper Post Office, where certain other murals Plaintiff created are currently displayed. (*Id.* at 4.) On October 6, 2017, Defendants filed a letter requesting a pre-motion conference regarding their anticipated motion to dismiss Plaintiff’s complaint for lack of jurisdiction and failure to state a claim upon which relief can be granted. (Dkt. No. 12.) At the conference, held on November 15, 2017, Your Honor asked that I speak to the USPS about whether it would be willing to accommodate Plaintiff’s request to install additional murals at the Peter Cooper Post Office, and report back to the Court within sixty days as to whether “there is any utility to having further discussions in this regard.” (See Tr. of Nov. 15, 2017, Conf., Dkt. No. 17, at 15-17.)

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I have spoken to, and conveyed Plaintiff's request to, the USPS, and have been informed that the USPS does not wish to install additional works by Plaintiff at the Peter Cooper Post Office or any other location. Accordingly, Defendants do not think further discussions on the topic would be fruitful and request that they be permitted to file their motion to dismiss Plaintiff's complaint.

Respectfully submitted,

GEOFFREY S. BERMAN
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